

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Jeffery Day,

Plaintiff,

v.

**Case No. 3:16-cv-437
Judge Thomas M. Rose**

Kim DeLong, et al.,

Defendants.

**DECISION AND ENTRY ADOPTING REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
OVINGTON (DOC. 47), OVERRULING DEFENDANTS' OBJECTIONS
TO THE MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC.
48), AND DENYING MOTION FOR JUDGMENT ON THE PLEADINGS.
(DOC. 30).**

The instant action brings claims of constitutional violations under 42 U.S.C. § 1983 and various state law claims. (Doc. 1). Pending before the Court are Defendants' Objections to Magistrate Judge Sharon Ovington's Report and Recommendations. (Doc. 48). The Report and Recommendations of United States Magistrate Judge Sharon L. Ovington, (Doc. 47), recommends that the Court deny Defendants' Motion for Judgment on the Pleadings. (Doc. 30).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Defendants' objections, (Doc. 48), to the Magistrate Judge's Report and Recommendations, (Doc. 47), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Report and Recommendations. (Doc. 47). Defendants' Motion for

Judgment on the Pleadings (Doc. 30) is **DENIED**.

DONE and **ORDERED** this Wednesday, January 10, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE